

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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L & LEUNG LEATHERWARE LTD.,

Plaintiff,

17-cv-7374 (PKC)

-against-

ORDER

COLLECTION XIIX LTD. and
LISA NUNZIATA,

Defendants.

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COLLECTION XIIX LTD. and
LISA NUNZIATA,

Third-Party Plaintiffs,

-against-

ANDREW LEUNG,

Third-Party Defendant.

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CASTEL, U.S.D.J.

The Court appreciates the concerns of counsel for plaintiffs and third-party defendant over the absence of a firm trial date, given the number of Hong Kong-based witnesses and the quarantining and restrictions the witnesses will face in the lead up to and after the conclusion of the trial. The Court understands the opposition of defendant's counsel to modifying the trial date, even though it is not a firm trial date but merely a back-up to other trials.

Under the protocols adopted by this Court to permit trials to go forward under pandemic conditions, trial dates are set each quarter based upon the request of the trial judge and the priority level of the case according to set criteria. Priority is not based on when the trial date

is requested but rather on whether the case is civil or criminal and if criminal whether the defendant is detained and, if so, when he or she was detained. Thus pushing the trial to Q1 or Q2 of 2022 does not assure a fixed trial date and the case would likely remain as a back-up to a higher priority criminal trial. The system adopted on a district-wide basis has permitted over 70 jury trials to proceed from September 2020 to September 2021, a rare accomplishment. Indeed, I have been able to try a total of six cases, two of which have been civil cases.

The Court will vacate the November 15, 2021 back-up trial date. When juries can once again be selected and a case tried in a judge's regular courtroom, I will set this case for a firm trial date.

SO ORDERED.



P. Kevin Castel
United States District Judge

Dated: New York, New York
October 4, 2021